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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/460,556	12/14/1999	ELWYN B. DAVIES	NTL-3.2.108/	2619

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EXAMINER

HARRELL, ROBERT B

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 06/19/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/460,556		Applicant(s) DAVIES ET AL.	
Examiner Robert B. Harrell		Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/14/1999 et seq. .
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4 and 5</u> . | 6) <input checked="" type="checkbox"/> Other: <u>see attached Office Action</u> . |

Serial Number: 09/460,556
Art Unit : 2142

1. Claims 1-17 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a);

4. Claims 1-17 are rejected under 35 U.S.C. 102 (e) as being clearly anticipated by Cuomo et al. (6,148,328).

5. Per claim 1, Cuomo taught a presence management system (eg., see Title) suitable for use in a multiple access communications network (eg., see Title and figure 1), by watching ("target user" in the Abstract) and watched parties ("OTHER users" in the Abstract), the presence management system comprised at least:

Serial Number: 09/460,556
Art Unit : 2142

a) a first input arranged to receive notification requests from watching parties in use (eg., see col. 2 (lines 24-26) and col. 3 (line 43-et seq.)), each notification request being in respect of a watched party (ie., but not limited to "Fredd Tarr" of col. 3 (line 56)), and at least one of the parties comprising a plurality of individuals (anyone of the watched parties may have a family (ie., "Marry Zinger" (figure 3 (301) could have children who could partake in chat activities);

b) a second input arranged to receive information about events occurring in the multiple access communications system (eg., Abstract, figures 4, figure 6, and col. 4 (line 22-et seq.));

c) a processor arranged such that in use, when information about an event relating to a particular watched party is received, any watching parties who made notification requests about that particular watched party, are notified about the event (eg., see col 3 (line 17-et seq.)).

6. Per claims 2 and 3, per the Abstract and figure 3, users are either watching other users or are watched by other users that are doing the watching.

7. Per claim 4, "BOTs" are well known (official notice) in chat rooms. BOTs are roBOTic users (software) that hold a chat channel such that the channels does not close when all users

Serial Number: 09/460,556
Art Unit : 2142

(other than the BOT) leave.

8. Per claim 5, it was anticipated that users (eg., "Marry Zinger") were parents of families that also used the home computer and chatted among others (ie., chats among school children). Thus, in the norm, parents modified (controlled) who could or could not chat (specifically when children fight over the keyboard).

9. Per claim 6, per col. 3 (line 49) email was implemented by the watching party to select watched party. Such truncating representation as, but not limited to, (user@uspto.gov) would indicate the user to be located in the Crystal City area of Arlington Virginia.

10. Per claim 7, when a user comes "on-line" the activity of that user is known as well as when that user goes "off-line". These states are current activates of the watched party.

11. Per claim 8, see col. 1 (lines 15-25).

12. Per claim 9, when a user goes from "on-line" to "off-line" there is a change in the availability of that user (family) and the threshold (for example) was "one". Also see col. 7 (line 51-et seq.)).

13. Per claim 10, see col. 1 (lines 15-25).

14. Per claim 11, see col. 3 (line 49).

Serial Number: 09/460,556
Art Unit : 2142

15. Per claim 12, "time" is relative. It was anticipated that users do not maintain their Internet provider indefinitely. Sooner or latter the email address will expire either because the user has since selected another Internet Provider or the user has expired.

16. Per claim 13, "forwarding email" was well known in the art. Thus if the watched user changed Internet Providers, the old Internet provider would forwarded email to the new address for a limited time. Unless the watching party was informed of the new address, then the watching party would no access to the new email address until so informed.

17. Per claim 14, in full action, users come and go from the network over time, thus as each user entrance or departure would be the events communicated over the network to the watching parties.

18. Per claims 15-17, these claims do not teach or define above the correspondingly rejected claims and are thus rejected for the reasons outlined above.

19. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the data of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).

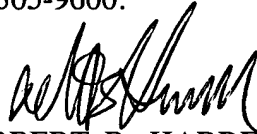
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (703) 305-9692. The examiner can normally be reached Monday thru Friday from 5:30 am to 2:00

Serial Number: 09/460,556
Art Unit : 2142

pm and on weekends from 6:00 am to 12 noon Eastern Standard Time.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell, can be reached on (703) 305-9703. The fax phone numbers for the Group are (703) 746-7238 for After-Final, (703) 746-7239 for Official Papers, and (703) 746-7240 for Non-Official and Draft papers.

22. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



ROBERT B. HARRELL
PRIMARY EXAMINER
GROUP 2142